

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Examiner: Daniel Lawson Greene

Group Art Unit: 3694

In re Application of:
Kirkland D. Broach et al.

Serial No. 10/751,349

Filed: January 5, 2004

NUCLEAR FUEL ASSEMBLY DEBRIS
FILTER BOTTOM NOZZLE

Attorney Docket No. ARF-2004-003

APPELLANTS' BRIEF ON APPEAL

November 28, 2006

Commissioner for Patents
MAIL STOP APPEAL BRIEF - PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an Appeal from the decision of the Examiner, dated July 18, 2006, rejecting Claims 1, 2 and 4-17 of the above-identified application. The claims are set forth in the Claims Appendix, which is attached hereto. Due to the specific nature of the issues involved in this Appeal, an Oral Hearing is not deemed necessary and is not requested. Payment of the filing fee for Appellants' Brief in the amount of \$500.00 will be charged to Eckert Seamans Cherin & Mellott, LLC's American Express Card during the electronic submission process. Please charge any deficiency in payment or credit any overpayment to Deposit Account No. 02-2556.

Real Party In Interest

The real party in interest is Westinghouse Electric Company LLC, seventy-seven percent owned by Toshiba Corporation, twenty percent owned by the Shaw Group, Inc. and three percent owned by Ishikawajima Harima Industries Company, LTD. An assignment from the inventors to Westinghouse Electric Company LLC was recorded on January 5, 2004, and is recorded at Reel/Frame 014875/0020.

Related Appeals and Interferences

There are no appeals or interferences known to Appellant or to Appellant's legal representative which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

Status of the Claims

Claims 1, 2 and 4-17 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirements.

Claims 1, 2 and 4-17 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Claims 1, 2 and 4-17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1, 2 and 7-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shallenberger (4,900,507) in view of any of U.S. Patents 4,997,621 to Johansson et al. ('621), U.S. Patent 5,528,640 to Johansson et al. ('640), U.S Patent 5,473,650 to Johansson ('650) or U.S. Patent 5,488,634 to Johansson et al. ('634).

Claims 4, 6 and 13-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shallenberger as modified by any of U.S. Patents 4,997,621 to Johansson et al., U.S. Patent 5,528,640 to Johansson et al., U.S Patent 5,473,650 to Johansson or U.S. Patent 5,488,634 to Johansson et al. Further, in view of the teachings of the Mechanical Engineers' Handbook, Sixth Edition, McGraw-Hill Book Company, Inc., copyright 1958.

Claims 1, 2, 4 and 6-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shallenberger in view of either the Mechanical Engineering Handbook, CRC Press LLC, copyright 1999 or the Industrial Burners' Handbook, CRC Press LLC, copyright 2003 or the Mechanical Engineers' Handbook, Sixth Edition, McGraw-Hill Book Company, Inc., copyright 1958 and further in view of either Mechanical Engineers' Handbook, Sixth Edition, McGraw-Hill Book Company, Inc., copyright 1958, or Tucker (4,118,973).

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Shallenberger and further in view of the teachings of Chapter 42, Fluid Measurements, of The Engineering Handbook, CRC Press LLC, copyright 2000.

Status of the Amendments

There are currently no outstanding amendments to the pending claims. The claims as they stand on Appeal are contained in the Claims Appendix to this Brief.

Summary of the Claimed Subject Matter

The present invention provides a debris filter bottom nozzle 12 (page 6, line 2) for a pressurized water nuclear reactor fuel assembly 10. The debris filter bottom nozzle 12 comprises a substantially horizontal plate 46 (page 6, line 5) extending substantially traverse to the axis of fuel rods 22 (page 5, line 3), an upper face directed toward a lowermost spacer grid 20 (page 5, line 4). The upper face of the plate 46 has defined therethrough at least two different hole designs 52 and 54 (page 8, line 6). The holes 52 (page 7, line 23) are designed to receive lower ends of guide thimbles 18, which are supported by the plate 46. The second hole design 54 (page 8, line 6) is formed as flow through holes extending completely through the plate 46 for the passage of coolant fluid from a lower face of the plate 46 to the upper face of the plate 46 with each of the coolant flow through holes extending substantially in the axial direction of the fuel rods 22 and in fluid communication with unoccupied spaces in the spacer grids 20. In independent Claims 1 and 12, the flow through holes 54 are said to have a profile substantially of a venturi (page 8, line 9) with flaring at both ends. In independent Claim 1, the flaring at the lower face of the plate 46 comprises a series of a plurality of concentric countersinks 56 (page 8, line 27) of different included angles and depths (page 9, line 7) into the coolant flow through hole. In independent claim 12, the flaring at the lower face of the plate 46 comprises a series of a plurality of straight, discrete, adjacent chamfers with each adjacent chamfer at a different angle than another adjacent chamfer 56 (page 9, line 1) relative to the axial direction of the fuel rods 22. Independent Claim 13 defines the contour of the flow through holes 54 having a discrete, double chamfered inlet 56 (page 9, line 1) with each adjacent chamfer of the double chamfered inlet at a different angle than the other adjacent chamfer relative to the axial direction of the fuel rods 22. The corresponding portion of the specification can be found starting at page 8, line 24 through page 10, line 10.

The claims addressed on this appeal include:

1. A fuel assembly 10 (page 4, line 17) for a pressurized water nuclear reactor including a plurality of elongated nuclear fuel rods 22 (page 4, line 31) having an extended axial length, at least a lowermost grid 20 (page 5, line 27) supporting said fuel rods in an organized array and having unoccupied spaces (page 6, line 22) defined therein adapted to allow flow of fluid coolant therethrough and past said fuel rods 22 when said fuel assembly 10 is installed in the nuclear reactor and a plurality of guide thimbles 18 (page 4, line 26) extending along said fuel rods through and supporting said grid, a debris filter bottom nozzle 12 (page 5, line 25) disposed below said grid, below lower ends of said fuel rods, supporting said guide thimbles and adapted to allow flow of fluid coolant into said fuel assembly, said debris filter bottom nozzle comprising a substantially horizontal plate 46 (page 6, line 5) extending substantially transverse to the axis of the fuel rods and having an upper face directed toward said lowermost grid, said upper face of said plate having defined therethrough at least two different hole designs, the first hole design 52 (page 7, line 23) being a plurality of holes receiving lower ends of said guide thimbles where they are supported by said plate and the second hole design 54 (page 8, line 6) being a plurality of flow through holes extending completely through said plate for the passage of coolant fluid from a lower face of said plate to the upper face of said plate, each of said coolant flow through holes extending substantially in the axial direction of said fuel rods, in fluid communication with said unoccupied spaces, and in the extended direction at least some of said coolant flow through holes having a profile substantially of a venturi with flaring at both ends, wherein the flaring at the lower face of said plate 56 (page 8, line 27) comprises a series of a plurality of concentric countersinks of different included angles and depths (page 9, line 7) into the coolant flow through hole.
2. The nuclear fuel assembly 10 of Claim 1 wherein said coolant flow through holes 54 (page 8, line 10) having a profile substantially of a venturi have an inlet end 56 (page 8, line 28) in the lower face of said plate 46 and an outlet end 59 (page 8, line 29) in the upper face of said plate wherein the venturi is substantially formed by the concentric countersinks of different included angles and depths (page 9, line 7) into the coolant flow through hole in said inlet and a chamfer in said outlet end.

3. (canceled)

4. The nuclear fuel assembly 10 of Claim 1 wherein the inlet chamfers 56 (page 8, line 28) approximates a curved surface.

5. The nuclear fuel assembly 10 of Claim 4 wherein the chamfers 56 (page 8, line 28) have the following dimensions and angles relative to a flow axis of the flow through hole 54 (page 8, line 6) where Chamfer A is the chamfer closest to the inlet, Chamfer B is the chamfer adjacent Chamfer A and Chamfer C is at the outlet of the flow through holes (page 9, line 7).

| | Angle | Nominal Length (in.) | Maximum Length (in.) | Minimum Length (in.) |
|-----------|------------------------|----------------------|----------------------|----------------------|
| Chamfer A | $35^\circ \pm 3^\circ$ | 0.017 (0.043 cm) | 0.039 (0.099 cm) | 0.012 (0.030 cm) |
| Chamfer B | $15^\circ \pm 3^\circ$ | 0.039 (0.099 cm) | 0.057 (0.145 cm) | 0.010 (0.025 cm) |
| Chamfer C | $10^\circ \pm 3^\circ$ | 0.085 (0.361 cm) | 0.142 (0.361 cm) | 0.059 (1.397 cm) |

6. The nuclear fuel assembly 10 of Claim 4 wherein the chamfers 56,58 (page 9, line 14) have the following relative dimensions and angles with regard to a flow axis of the flow through hole where Chamfer A is the chamfer closest to the inlet, Chamfer B is the chamfer adjacent Chamfer A and Chamfer C is at the outlet of the flow through holes and L/T is the length of the chamfer divided by the thickness of the plate 46.

| | Angle | Chamfer L/T | |
|-----------|------------------------|-------------|---------|
| | | Maximum | Minimum |
| Chamfer A | $2.33 \times B$ | 0.071 | 0.020 |
| Chamfer B | $15^\circ +/- 3^\circ$ | 0.104 | 0.017 |
| Chamfer C | $0.67 \times B$ | 0.258 | 0.101 |

7. The nuclear fuel assembly 10 of Claim 1 wherein substantially every coolant flow through hole 48 (page 8, line 9) not associated with a guide thimble 18 has the venturi profile in the extended direction.

8. The nuclear fuel assembly 10 of Claim 1 including support means 40 (page 6, line 4) adapted to support said fuel assembly when installed in the nuclear reactor with said plate 46 (page 6, line 5) fixed at its periphery on said support means.

9. The nuclear fuel assembly 10 of Claim 1 wherein the coolant flow through holes 48 have a substantially circular cross-section (page 7, line 6).

10. The nuclear fuel assembly 10 of Claim 9 wherein the coolant flow through holes 48 have a $0.190 +/- 0.008$ inch ($0.48 +/- 0.02$ cm) or less diameter (page 7, line 6) at their narrowest cross-section.

11. The nuclear fuel assembly 10 of Claim 9 wherein the through coolant flow through holes 48 are packed in a density of about 16 per square inch (page 10, line 18).

12. A debris filter bottom nozzle (page 6, line 2) for a pressurized water nuclear reactor fuel assembly 10 having a plurality of elongated nuclear fuel rods having an extended axial length, at least a lowermost grid supporting said fuel rods 22 (page 4, line 31) in an organized array and having unoccupied spaces defined therein (page 6, line 22) adapted to allow flow of fluid coolant therethrough and past said fuel rods 22 when said fuel assembly 10 is installed in the nuclear reactor, a plurality of guide thimbles 18 (page 4, line 26) extending along said fuel rods through and supporting said grid, said debris filter bottom nozzle 12 (page 5, line 25) designed to be disposed below said grid, below lower ends of said fuel rods, to support said guide thimbles and adapted to allow flow of fluid coolant into said fuel assembly, said debris filter bottom nozzle comprising a substantially horizontal plate 46 (page 6, line 5) extending substantially transverse to the axis of the fuel rods and having an upper face to be directed toward said lowermost grid, said upper face of said plate having defined therethrough at least two different hole designs, the first hole design 52 (page 7, line 23) being a plurality of holes for receiving lower ends of said guide thimbles where they are to be supported by said plate and the second hole design 54 (page 8, line 6) being a plurality of flow through holes extending completely through said plate for

the passage of coolant fluid from a lower face of said plate to the upper face of said plate, each of said coolant flow through holes when incorporated in said fuel assembly, extending substantially in the axial direction of said fuel rods, in fluid communication with said unoccupied spaces, and in the extended direction at least some of said coolant flow through holes having a profile substantially of a venturi with flaring at both ends, wherein the flaring at the lower face of said plate 56 (page 8, line 27) comprises a series of a plurality of straight, discrete, adjacent chamfers with each adjacent chamfer at a different angle (page 9, line 7) than another adjacent chamfer relative to the axial direction of said fuel rods.

13. A fuel assembly 10 (page 4, line 17) for a pressurized water nuclear reactor including a plurality of elongated nuclear fuel rods 22 (page 4, line 31) having an extended axial length, at least a lowermost grid 20 (page 5, line 27) supporting said fuel rods in an organized array and having unoccupied spaces (page 6, line 22) defined therein adapted to allow flow of fluid coolant therethrough and past said fuel rods when said fuel assembly 10 is installed in the nuclear reactor, a plurality of guide thimbles 18 (page 4, line 26) extending along said fuel rods through and supporting said grid, a debris filter bottom nozzle 12 (page 5, line 25) disposed below said grid, below lower ends of said fuel rods, supporting said guide thimbles and adapted to allow flow of fluid coolant into said fuel assembly, said debris filter bottom nozzle comprising a substantially horizontal plate 46 (page 6, line 5) extending substantially transverse to the axis of the fuel rods and having an upper face directed toward said lowermost grid, said upper face of said plate having defined therethrough at least two different hole designs, the first hole design 52 (page 7, line 23) being a plurality of holes receiving lower ends of said guide thimbles where they are supported by said plate, the second hole design 54 (page 8, line 6) being a plurality of flow through holes extending completely through said plate for the passage of coolant fluid from a lower face of said plate to the upper face of said plate, each of said coolant flow through holes extending substantially in the axial direction of said fuel rods, in fluid communication with said unoccupied spaces, and at least some of said coolant flow through holes having a discrete, double chamfered inlet 56 (page 8, line 27) with each adjacent chamfer of the double chamfered inlet at a different angle (page 9, line 7)

than the other adjacent chamfer relative to the axial direction of said fuel rods.

14. The nuclear fuel assembly 10 of Claim 13 wherein the double chamfered inlet 56 (page 8, line 28) approximates a curved surface.

15. The nuclear fuel assembly 10 of Claim 13 wherein all of the coolant flow through holes 48 (page 8, line 9) not associated with a guide thimble 18 include the double chamfered inlet 56.

16. The nuclear fuel assembly 10 of Claim 13 wherein the chamfers 56 (page 8, line 28) have the following dimensions and angles relative to a flow axis of the flow through hole 54 (page 8, line 6) where Chamfer A is the chamfer closest to an inlet of the flow through hole and Chamfer B is the chamfer adjacent Chamfer A, spaced from the inlet (page 9, line 7).

| | Angle | Nominal Length (in.) | Maximum Length (in.) | Minimum Length (in.) |
|-----------|------------------------|----------------------|----------------------|----------------------|
| Chamfer A | $35^\circ \pm 3^\circ$ | 0.017 (0.043 cm) | 0.039 (0.099 cm) | 0.012 (0.030 cm) |
| Chamfer B | $15^\circ \pm 3^\circ$ | 0.039 (0.099 cm) | 0.057 (0.145 cm) | 0.010 (0.025 cm) |

17. The nuclear fuel assembly 10 of Claim 13 wherein the chamfers 56 (page 9, line 11) have the following relative dimensions and angles with regard to a flow axis of the flow through hole where Chamfer A is the chamfer closest to the inlet, Chamfer B is the chamfer adjacent Chamfer A and L/T is the length of the chamfer divided by the thickness of the plate.

| | Angle | Chamfer L/T | |
|-----------|------------------------|-------------|---------|
| | | Maximum | Minimum |
| Chamfer A | $2.33 \times B$ | 0.071 | 0.020 |
| Chamfer B | $15^\circ \pm 3^\circ$ | 0.104 | 0.017 |

Grounds of Rejection to be Reviewed on Appeal

Claims 1, 2 and 4-17 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirements.

Claims 1, 2 and 4-17 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Claims 1, 2 and 4-17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1, 2 and 7-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shallenberger (4,900,507) in view of any of U.S. Patents 4,997,621 to Johansson et al. ('621), U.S. Patent 5,528,640 to Johansson et al. ('640), U.S Patent 5,473,650 to Johansson ('650) or U.S. Patent 5,488,634 to Johansson et al. ('634).

Claims 4, 6 and 13-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shallenberger as modified by any of U.S. Patents 4,997,621 to Johansson et al., U.S. Patent 5,528,640 to Johansson et al., U.S Patent 5,473,650 to Johansson or U.S. Patent 5,488,634 to Johansson et al. Further, in view of the teachings of the Mechanical Engineers' Handbook, Sixth Edition, McGraw-Hill Book Company, Inc., copyright 1958.

Claims 1, 2, 4 and 6-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shallenberger in view of either the Mechanical Engineering Handbook, CRC Press LLC, copyright 1999 or The Industrial Burners' Handbook, CRC Press LLC, copyright 2003 or the Mechanical Engineers' Handbook, Sixth Edition, McGraw-Hill Book Company, Inc., copyright 1958 and further in view of either Mechanical Engineers' Handbook, Sixth Edition, McGraw-Hill Book Company, Inc., copyright 1958, or Tucker (4,118,973).

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Shallenberger and further in view of the teachings of Chapter 42, Fluid Measurements, of The Engineering Handbook, CRC Press LLC, copyright 2000.

Argument

I. Rejections Under 35 U.S.C. §112

A. Claims 1, 2 and 4-17; Rejected Under 35 U.S.C. §112, First Paragraph – Written Description Requirement

Claims 1, 2 and 4-17 were rejected as failing to comply with the written description requirement. The Examiner asserted that the claims contained subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In this regard, the Examiner asserted that the limitation “ . . . concentric countersinks of different included angles and depths into the coolant flow through hole” in Claims 1 and 2 is considered new matter since it is not seen where the specification uses such a phrase in the application as filed.

On page 8 of the specification starting on line 24, the specification states:

The venturi flow through hole design 54 of the debris filter bottom nozzle 12 was enhanced, from a manufacturing point of view, by optimizing the coolant flow paths through the nozzle flow plate 46. The straight bore flow holes, with single inlet chamfering that was described in the '507 patent [Shallenberger U.S. Patent 4,900,507], was replaced with double inlet chamfers 56 and a single outlet chamfer 58 to form the venturi 54 shown in Figure 5. The angles of the chamfers were optimized to provide the lowest pressure drop. In effect, they approximate a curved surface and streamline the flow through the holes 48. Controlling and inspecting the current geometry is difficult and expensive. The inventors have found, through computational fluid dynamics and experimentation, that as little as two straight chamfers, if configured properly, could develop flow similar to the curved geometry and result in a similar reduced pressure drop, with less cost.

The specific angles and lengths of the chamfers are then set forth in the two tables appearing on page 9 of the specifications and fully define the chamfers. Thus, the specification clearly states that as little as two straight chamfers could develop flow similar to the curved geometry of a normal venturi, with less cost. Though the preferred embodiment employs two inlet chamfers, that does not preclude the use of three chamfers, with the concomitant additional manufacturing costs, provided that they are each straight rather than curved to avoid the additional expense of controlling a curved surface in the manufacturing process.

In a response dated August 30, 2005, an amended Claim 1 described the flow through holes as having a profile substantially of a venturi with flaring at both ends,

wherein the flaring at the lower face of said plate comprises a series of a plurality of discrete chamfers with adjacent chamfers at different angles to the axial direction of the fuel rods. That profile is specifically shown in Figure 5 and described on pages 8 and 9 of the specification, as mentioned above. Nevertheless, the Examiner objected to this language in the Office Action mailed November 16, 2005. In response, Applicants amended Claim 1 in an attempt to cure the Examiner's objections by describing the same flow through profile employing different words to say the same thing. In Claim 1, the phrase "discrete chamfers with adjacent chamfers at different angles to the axial direction of the fuel rods" was changed to "concentric countersinks of different included angles and depths into the coolant flow through hole." Applicants admit that the specification does not use the same exact words as the latter phrase, but it describes the same thing in different terms. Accordingly, the same should not be considered new matter.

The remaining independent Claims 12 and 13 in the response dated April 10, 2006 describe the flaring at the lower face of said plate as comprising "a series of a plurality of straight, discrete, adjacent chamfers with each adjacent chamfer at a different angle than another adjacent chamfer relative to the axial direction of the fuel rods." On page 11 of the Argument Section, Applicants stated that two different approaches were taken in Claims 1 and 12 to describe the flow through hole profile. Applicants considered either the approach of Claim 1 or that of Claim 12 to be equivalent in describing the invention. Applicants indicated that they were willing to conform the claims to either approach if the Examiner found either approach acceptable. However, obviously the Examiner did not find either approach acceptable, which is in part the reason for this appeal.

Under Section 112, the Examiner also objected to the phrase “ . . . wherein the flaring at the lower face of said plate comprises a series of a plurality of straight, discrete, adjacent chamfers with each adjacent chamfer at a different angle than another adjacent chamfer relative to the axial direction of said fuel rods.” The Examiner considered the terms “straight”, “adjacent”, “each”, and “than another adjacent chamfer relative to” as new matter. For the reasons stated above, Applicants assert that these terms are not new matter, but are fully supported by the description provided on pages 8 and 9 of the specification and Figure 5.

B. Claims 1, 2 and 4-17; rejected under 35 U.S.C. §112, First Paragraph – Enablement Requirement

Claims 1, 2 and 4-17 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In support of this rejection, the Examiner asserted that the limitation “ . . . concentric countersinks of different included angles and depths into the coolant flow through hole” had no adequate description nor enabling disclosure in the specification. Similarly, the Examiner asserted that the limitation “wherein the flaring at the lower face of said plate comprises a series of a plurality of straight, discrete, adjacent chamfers with each adjacent chamfer at a different angle than another adjacent chamfer relative to the axial direction of said fuel rods” had no adequate description or enabling disclosure in the specification. The response to the preceding rejection under 35 U.S.C. §112 applies equally as well to this rejection in that pages 8 and 9 of the specification and Figure 5 fully describe the claimed contour of the flow through holes as claimed in Applicants’ Claims 1, 2 and 4-17.

C. Claims 1, 2 and 4-17; rejected under 35 U.S.C. §112, second paragraph

Claims 1, 2 and 4-17 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In this regard, the Examiner asserted that Claims 1 and 12 are vague, indefinite and incomplete. The Examiner believed it unclear what was encompassed by the limitation “a series” because the figures only show one or two chamfers. The Examiner asserted that the term “series” connotes a broader meaning than the two adjacent chamfers disclosed within the specification. Additionally, the Examiner asserted that “a series of a plurality of discrete chamfers does not connote any particular chamfers, *per se*; hence the metes and bounds of the claim are undefined.”

Webster's New Collegiate Dictionary defines “series” as a number of things or events of the same class coming one after another in spatial or temporal succession. “Plurality” is defined as the state of being plural. “Plural” is defined as relating to or consisting of or containing more than one, or more than one kind or class. The phrase “a series of a plurality” means more than one of a kind placed one after the other. The fact that the figures show only two chamfers should be irrelevant. The figures are used to describe the preferred embodiment, *i.e.*, the preferred mode of practicing the invention, not necessarily the only mode.

Additionally, the Examiner asserted that the phrase “a plurality of discrete chamfers” does not connote any particular chamfers *per se*, and thus the metes and bounds of the claim are undefined. The word “discrete” is defined by Webster's New Collegiate Dictionary as constituting a separate entity; individually distinct. The term “plurality” was previously defined. The result is more than one distinct chamfer, in this case separated by a change in angle as clearly defined by the angle values set forth on page 9 of the specification.

The Examiner further asserted under this rejection that the phrase “concentric countersinks of different included angles and depths into the coolant flow through hole” was vague and incomplete. The Examiner also objected to the phrase “ . . . wherein the flaring at the lower face of said plate comprises a series of a plurality of straight, discrete, adjacent chamfers with each adjacent chamfer at a different angle than another adjacent chamfer relative to the axial direction of said fuel rods.” The same objection was made to the phrase “a series of a plurality.” These latter three rejections are redundant with those set forth in the above two rejections and the response to those rejections presented above applies equally as well to these rejections.

II. Claim Rejections Under 35 U.S.C. §103

A. Claims 1, 2 and 7-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shallenberger (4,900,507) in view of any of U.S. Patents 4,997,621 to Johansson et al. ('621), U.S. Patent 5,528,640 to Johansson et al. ('640), U.S. Patent 5,473,650 to Johansson ('650) or U.S. Patent 5,488,634 to Johansson et al. ('634).

1. Claim 1. As noted in the specification, Claim 1 is an improvement over the Shallenberger design. The improvement comprising wherein at least some of said coolant flow through holes 54 having a profile substantially of a venturi with flaring at both ends, wherein the flaring 56 at the lower face of said plate 46 comprises a series of a plurality of concentric countersinks 56 of different included angles and depths into the coolant flow through hole 54. Shallenberger, as shown by reference character 50 in Figure 7 and the corresponding description in Column 6 starting at Line 56 provides a single inlet chamfer or countersink with no outlet chamfer.

Each of the Johansson et al. references are directed to a boiling water reactor fuel assembly while Applicants' and Shallenberger's inventions are directed to a pressurized water reactor fuel assembly. While the Examiner has not given any patentable weight to the recitation of a pressurized water reactor in the preamble, it should be appreciated that such a recitation modifies each of the elements of the fuel assembly, such as the support grids and control rods, which take on an entirely different form for a pressurized water reactor fuel assembly than they would for a boiling water reactor fuel assembly. The hydrodynamics for the two are completely different because the boiling water reactor fuel assembly is a canned fuel assembly with no cross-flow between assemblies within the core. In contrast, a pressurized water reactor fuel assembly has an open lattice with mixing vanes that promote a cross-flow of coolant among fuel assemblies within the core. Accordingly, the pressure drop experienced in both assemblies is completely different.

It should be appreciated that in a boiling water reactor fuel assembly, the lower nozzle is referred to as the lower tie plate. In the '621 patent, starting at Line 3 in Column 7, the reference states:

The increased pressure drop through the tie plate causes a more uniform distribution of flow. Referring to Figure 4, the jet coming from the nose piece encounters a higher resistance at the tie plate, which causes the jet to spread to the outer edges of the tie plate. It has been found by experimentation that the high pressure drop lower tie plate disclosed here causes nearly uniform flow across the entire bottom of the fuel bundle. Thus, it will be understood that in addition to providing a greater pressure drop on the passage of the coolant 50 through the lower tie plate L, the disclosed invention utilizes the energy of the pressure drop to produce a more uniform and even flow immediately adjacent the lower tie plate.

Uniform distribution of the flow in a boiling water reactor fuel assembly is particularly important because the fuel assembly is confined at its periphery by the can. Accordingly, there is little, if any, cross-flow among fuel assemblies. This is in

contrast to a pressurized water reactor assembly where cross-flow throughout the assembly and the core is promoted by mixing vanes and open sides between grids.

The preferred embodiment of the '621 patent employs a rounded inlet to the flow through holes through the tie plate. In Column 7 starting at Line 24, referring to Figure 5E, the reference describes an alternate embodiment in which:

The entrance to the lower aperture has a small chamfer 95 instead of a large radius. The small chamfer will cause a greater pressure drop. However, the increase in pressure drop is highly sensitive to the amount of chamfer. Therefore, it is more difficult to obtain a controlled pressure drop than in the preferred embodiment [rounded inlet].

Thus, the objective of the '631 patent in providing a controlled increase in pressure drop to obtain uniform flow is contrary to Applicants' objective of reducing the pressure drop and thus the reference teaches away from Applicants' invention. There is no teaching in the reference of flaring at both ends, nor is there any teaching of the flaring at the lower face of the nozzle plate that comprises a series of a plurality of concentric countersinks of different included angles and depths into the coolant flow through hole. Furthermore, stated another way, there is no teaching in the reference to the coolant flow holes having a discrete, double chamfered inlet with each adjacent chamfer of the double chamfered inlet at a different angle than the other adjacent chamfer relative to the axial direction of said fuel rods.

The '640 patent describes a debris catcher bottom nozzle for a boiling water reactor that is formed by a pair of superposed plates having a plurality of holes of substantially the same size, shape and pitch but wherein the holes of one of the pair of plates are offset from the holes of the other of the pair of plates by 1/2 the hole pitch. While discussing the holes in the plates, the reference states in Column 6 starting at Line 66 that:

Each hole 44 is essentially square in shape, with rounded corners 56. The holes are arranged in parallel rows in each of two perpendicular directions and are interconnected by a plurality of webs of ligaments 58 of uniform shape and thickness. As best seen in Figure 6, the webs or ligaments 58 have rounded upper and lower edges 60, 62, respectively, for minimization of flow resistance.

Figure 13 best shows the offset between the upper and lower flow channels that are defined by the webs 58 and 80 with a Gap there between. As explained in Column 7 starting at Line 45, the Gap controls the extent of pressure drop. As with the '621 reference, the '640 reference recognizes the need in a BWR to maintain the pressure drop where it states in Column 2 starting at Line 55 that:

Finally, through the fuel bundle itself – from the exit of the lower tie plate assembly to the exit at the upper tie plate assembly – about 11 psi of pressure drop usually occurs. When new fuel bundles are introduced into the reactor core, these flow resistances must be preserved [emphasis added]. Otherwise, the coolant/moderator flow distribution could be compromised among the various types of fuel in the reactor core.

It should be noted that the '640 patent also teaches square channels rather than the rounded channel of a venturi (Column 6 starting at Line 66.) The reference thus not only teaches away from Applicants' invention, the flow through holes of the '640 reference do not have a profile substantially of a venturi and definitely do not have a flaring at the lower face of the nozzle comprising a series of a plurality of concentric countersinks of different included angles and depths. Furthermore, the reference does not teach that the flaring of the lower face of the nozzle plate comprise a series of a plurality of straight, discrete, adjacent chamfers with each adjacent chamfer at a different angle than another adjacent chamfer relative to the axial direction of said fuel rods.

The '650 patent also teaches a boiling water reactor tie plate having openings for the flow of coolant. The patent also acknowledges the need to maintain a relatively large pressure drop to assure the uniform distribution of coolant moderator

flow through the many fuel bundles within the core. The patent recognizes changes that have been made to improve the fuel assemblies over time, such as increasing the number of fuel rods with reduced diameters, that results in an increase in pressure drop within the main portion of the assembly. Therefore, the '650 reference strives to make up for that increased pressure drop by reducing the pressure drop within the lower tie plate. The flow through openings are formed in the lower surface of the tie plate between bosses 36 that support the fuel rods. The bosses are connected by webs 38 that have the flow through openings 42 defined in part by convex portions of adjacent bosses, and intervening web portion between the adjacent bosses, marginal edges of a pair of ribs 52 and the marginal edges of the ribs 54 (Column 8, Lines 7 *et seq.*) The openings 42 are generally U-shaped in plan. The legs of the generally U-shaped opening extend toward the center of the square matrix defined by the bosses 36 or towards the center of the central region 50, which is the hub of the web 38 (Column 8, Lines 17-22). Below the throat 56, which is defined as the narrowest point of the flow through opening 42, and at the entrance of each of the openings 42, there is provided a radius 58 along the margin of each U-shaped opening (Column 8, Line 29-31). Thus the flow through openings of the '650 patent are not venturi-like at all, but merely have rounded edges at the inlets.

The '634 patent also describes a unitary one-piece lower tie plate grid for a boiling water reactor, having a lower portion and an upper portion for supporting the fuel rods. The lower tie plate grid includes cylindrical boss portions extending upwardly from the lower grid portion and arranged in square matrices for receiving the lower end plugs of the fuel rods. Web portions extending upwardly from the lower tie plate portion interconnect the boss portions along the sides of the matrices much like the '650 patent. The lower grid portions include a plurality of openings

which open into the flow spaces defined by the convex portion of the bosses and the webs within each square matrix of the upper portion of the tie plate. Coolant flows through the openings into the flow spaces for further flow upwardly about the fuel rods. The openings are radiused adjacent their lower ends and have divergent sidewalls downstream of the throat area to define a flow venturi. However, the profile of the venturi does not have flaring ends wherein the flaring at the lower face of the tie plate comprises a series of a plurality of concentric countersinks of different included angles and depths into the coolant flow through hole. In paragraph 7 of the Office Action of November 16, 2005, which the Examiner incorporated by reference into the Office Action of July 18, 2006, the Examiner relied upon Figure 5 of the '634 patent, Figures 13, 15, 17 of the '640 patent, Figure 5 of the '650 patent and Figure 5E of the '621 patent as showing discrete chamfers at the inlet of the flow through hole. With one exception, each of the cited figures shows a rounded inlet which is clearly not formed from a series of a plurality of concentric countersinks of different included angles and depths into the coolant flow through hole. The one exception is Figure 5E of the '621 patent which shows a single chamfer at the inlet and accordingly, does not meet this limitation as well.

The Examiner relies upon the argument that the curved surface is made up of a large number of straight, discrete, adjacent points and therefore falls within the scope of the claim language. While Claim 1 has been amended to recite in different terms the same structure, the original language of Claim 1 appears in varying forms in independent Claims 12 and 13. Thus, it is worthwhile addressing the Examiner's argument. While the curved surface may be made up of an infinite number of points, and while the tangent of any of those points might be considered straight, the curve itself is not made up of a plurality of straight, discrete, adjacent chamfers and it is

believed a stretch of the definition of chamfer to call any of those points a chamfer. A “chamfer” is defined in Webster’s New Collegiate Dictionary as a beveled edge.

2. Claim 2. Claim 2 is dependent on Claim 1 and further defines the flow through hole as having a chamfer in the outlet end. As previously stated, Shallenberger shows a single chamfer at the inlet with no chamfer at the outlet. Neither the ‘621 patent, the ‘650 patent, the ‘634 patent or the ‘640 patent describe, teach or show a chamfer at the outlet. The closest art is found in Figure 5D of the ‘621 patent which shows a chamfer slightly less than midway through the flow through hole. Thus, the reference does not teach a chamfer at the outlet. The corresponding discussion can be found in Column 7 starting at Line 17, which is a continuation of a discussion of a variation of a two-step flow hole that is started in Column 6 starting at Line 28. Accordingly, Claim 2 distinguishes for the individual limitation that introduces and should be considered patentable over the references.

3. Claims 7-11. Claims 7-11 are either directly or indirectly dependent upon Claim 1 and distinguish over the references for the reasons given with regard to Claim 1.

4. Claim 12. Claim 12 calls for a debris filter bottom nozzle with flow through holes having a profile substantially of a venturi with flaring at both ends wherein the flaring at the lower face comprises a series of a plurality of straight, discrete, adjacent chamfers with each adjacent chamfer at a different angle than another adjacent chamfer relative to the axial direction of said fuel rods. Thus, Claim 12 calls for the same flow through hole profile described in Claim 1, in different terms, and therefore distinguishes for the reasons previously noted for Claim 1.

B. Claims 4, 6 and 13-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shallenberger as modified by any of the ‘621, ‘640, ‘650, or ‘634

patents as applied to Claims 1, 2 and 7-12 above, further in view of the teachings of the Mechanical Engineers' Handbook, Sixth Edition, McGraw-Hill Book Company, Inc., copyright 1958. The relevant teachings of Shallenberger and the Johansson et al. references have been fully set forth above. As previously stated, Figure 7 of Shallenberger and Figure 5E of the '621 patent are the closest art cited in that they each show a single inlet chamfer and none of the references thus far applied show an outlet chamfer. The Mechanical Engineers' Handbook section referenced discusses the properties of liquids in motion and general considerations regarding flow. The sections cited by the Examiner more particularly deal with discharges through nozzles and make short references to a venturi meter. The corresponding passages discuss the velocity head and flow through different nozzles. On page 3-63, the reference discusses the value of an average good, smooth, rounded orifice as compared to one of poor curvature, with one of poor curvature causing contraction and cross currents with a significantly lower Hamilton Smith's coefficient. On page 3-64, the reference discusses that rounding or beveling a sharp upstream edge even slightly increases the discharge of an orifice. On the same page, the sections on "Obtainable Precision" and "Submergence or Discharge Under Water" show that the upstream environment of an orifice significantly affects the discharge and flow characteristics. Nothing in the cited text would lead one of ordinary skill to apply a venturi design to the lower nozzle of a fuel assembly. However, if one did, the Mechanical Engineers' Handbook would validate the approach taken in the Johansson et al. references in providing a rounded inlet and outlet. There is no mention in any of the reference of employing a multiple chamfered inlet in combination with a chamfered outlet. Furthermore, none of the references teach the impact of such a design on the manufacturing process.

1. Claim 4. Claim 4 is dependent upon Claim 1 and distinguishes over Shallenberger and the Johansson references for the reasons noted above. As stated in the previous paragraph, the Mechanical Engineers' Handbook does not cure the deficiencies previously noted for Shallenberger and the Johansson et al. references.

2. Claim 6. Claim 6 is dependent upon Claim 4 and specifies the specific angles of the chamfers with regard to the axis of flow, which is neither described, taught or shown in Shallenberger or in any of the Johansson et al. references, nor described in the Mechanical Engineers' Handbook. As mentioned at the bottom of page 8 and the top of page 9 of the specification, the inventors have found through computational fluid dynamics and experimentation that as little as two straight chamfers, if configured properly, could develop flow similar to the curved geometry and result in a similar reduced pressure drop, with much less manufacturing cost. None of these angles are described, shown or taught in any of the foregoing references.

3. Claim 13. Claim 13 is an independent claim that calls for at least some of the coolant flow through holes having a discrete double chamfered inlet with adjacent chamfers at different angles to the axial direction of the fuel rods. As previously stated, none of the cited references to Shallenberger, Johansson et al. or the Mechanical Engineers' Handbook show the combination of a double chamfered inlet and chamfered outlet. Accordingly, Applicants' Claim 13 should not be considered obvious over the reference.

4. Claims 14 and 15. Claim 14 is dependent upon Claim 13 and calls for the double chamfered inlet approximating a curved surface. Claim 15 is dependent upon Claim 13 and further defines that all of the coolant flow holes not

associated with a guide thimble include the double chamfered inlet. Claims 14 and 15 distinguish for the reasons noted for Claim 13 and should be similarly allowable.

5. Claims 16 and 17. Claims 16 and 17 are dependent upon Claim 13 and set forth the specific angles of the chamfers. As stated with regard to Claim 6, none of these angles are described, taught or shown in any of the cited references. Accordingly, Claims 16 and 17 should be allowable for the individual limitations that they introduce.

C. Claims 1, 2, 4 and 6-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shallenberger in view of either the Mechanical Engineering Handbook, CRC Press LLC, copyright 1999, or the Industrial Burners Handbook, CRC Press LLC, copyright 2003, or the Mechanical Engineers' Handbook, Sixth Edition, McGraw-Hill Book Company, Inc. copyright 1958.

The cited section in the Mechanical Engineering Handbook, CRC Press LLC, copyright 1999, is entitled “Venturis” in the chapter on Fluid Dynamics. The excerpt provided by the Examiner is a small portion of that section and does not give the entire context. The first paragraph reads:

Venturi meters are generally made from castings machined to close tolerances to duplicate the performance of the standard design, so they are heavy, bulky, and expensive. The conical diffuser section downstream from the throat gives excellent pressure recovery; overall head loss is low. Venturi meters are self-cleaning because of their smooth internal contours.

The remaining paragraph and a half discusses the high discharge coefficients and the sizing of the meter. It is not clear from any of these teachings that the benefits of a conical diffuser section at the outlet would not be negated by the obstruction of the lower-most grid in the path of the exiting flow. There is clearly no teaching or suggestion in the excerpt of the Mechanical Engineering Handbook, CRC Press LLC, 1999, to employing a conical diffuser section to the outlet of a flow through hole in

the lower nozzle of a pressurized water reactor fuel assembly. Furthermore, there is no teaching or suggestion in Shallenberger to such an arrangement nevertheless in combination with a multiple chamfered inlet as called for in Applicants' claims.

While the Industrial Burners Handbook, CRC Press LLC, copyright 2003 discusses fluid flow in Chapter 3, it does so in an entirely different environment. It is respectfully asserted that one of ordinary skill in the nuclear art would not go to the Industrial Burners Handbook for ideas to resolve issues for pressure drop in the lower nozzle of a pressurized water reactor fuel assembly. Nevertheless, for the purpose of this response, the relevant Section 3.3.3 will be discussed. The section discusses the eduction process commonly carried out by systems known as eductors or jet pumps. Jet pumps are not commonly used within the core of a pressurized water reactors, though they are employed within the reactor vessels of boiling water reactors. The reference states that it is common to see more complex venturi designs in the burner art. The inlet typically consists of a well-rounded bell design to reduce pressure losses as the secondary gas enters into the eductor system. Reducing pressure losses improves entrainment performance which can be critical to pre-mixed burners. The relative dimensions of the venturi throat downstream of the inlet is also critical to the entrainment performance of the eductor system. Located just downstream of the venturi throat is the diffuser section, which is conical in shape and provides a transition from the venturi throat to the downstream section. Typically, diffusers are designed with small transition angles to provide smooth flow in order to reduce the pressure losses as gas flows from the throat to the downstream section. The downstream section can be a straight pipe or can be quite complex, consisting of a variety of fittings. The reference states:

Usually, in the burner industry, the outlet of the downstream section consists of a tip. There are a variety of tips used in the burner industry, depending on the design application. The pressure loss associated with the flowing gas through the downstream section and tip can have a major influence on the design and performance of an eductor system.

It's not clear what the Industrial Burners Handbook adds to the teachings provided by the Mechanical Engineering Handbook, CRC Press LLC, 1999. The Mechanical Engineers' Handbook, Sixth Edition, McGraw-Hill Book Company, Inc. copyright 1958, has already been discussed above. The Tucker et al. reference is concerned with maintaining a laminar flow in an elongated fluid passage within a device with parallel opposed sides and a flared entry portion leading to a portion of constant cross-section. The device is employed for measuring fluid flow rate and/or viscosity. The device is said to differ from other known apparatus in that the geometry of the entry portion into a substantially constant cross-section passage or passages is defined in terms of a "figure of merit" by means of a test which may be readily conducted by those skilled in the art. The figure of merit can determine the relative suitability of the inlet design for maintaining laminar flow through the long section of constant cross-section. Figures 5 to 16 are section side views of different entry portions to that of Figure 2, some of which are suitable and others of which are unsuitable for use with the Tucker invention. Figure 2 shows a flared rounded entry portion 12. Figure 11 shows a single chamfered inlet and the corresponding description in Column 17 starting at Line 37 states:

In Figure 11, there is shown a fluid passage 2 in accordance with the present invention having a chamfered inlet portion. Any depth D will give an improvement over the squared inlet portion shown in Figure 8. Figures 13, 14 and 16 show that any rounding of the chamfered section provides further improvement over the squared inlet portion shown in Figure 8.

Figure 15 of the reference shows a double chamfered inlet and states in Column 17 starting at Line 63 that:

In Figure 15 there is shown a fluid passage 2 according to the present invention having a double chamfered inlet portion with upstream angle having a steeper angle than the downstream chamfer. Such double chamfering of the inlet would also improve the figure of merit relative to the entry portion in Figure 11 provided that the angle of the second chamfer is not steeper than the angle of the single chamfer of Figure 11.

Figure 16 shows a flared entry portion where the radius of curvature of the flare changes in magnitude over at least a portion of the inlet length. The reference states that the flow velocity gradients throughout the flared entry portion may be minimized by appropriately contouring the inlet portion in this manner. The gradual and continuous increase in the radius of curvature of the flare in the direction for fluid flow gives good results in terms of the figure of merit.

Thus, even if one was to apply the teachings of Tucker et al. to Shallenberger, Tucker et al. would lead one to the use of rounded inlets as provided in Johansson et al. It does not appear that the outlet was a consideration of Tucker et al.'s

Accordingly, Claims 1, 2, 4 and 6-17, which were discussed above, should not rightfully be considered obvious over Shallenberger, in view of the Mechanical Engineering Handbook, CRC Press LLC, copyright 1999, or the Industrial Burners Handbook, CRC Press LLC, copyright 2003, or the Mechanical Engineers' Handbook, Sixth Edition, McGraw-Hill Book Company, Inc., copyright 1958, and further in view of either Mechanical Engineers' Handbook, Sixth Edition, McGraw-Hill Book Company, Inc., copyright 1958 or Tucker, et al.

D. Claim 5. Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Shallenberger in view of the teachings of Chapter 42, Fluid Measurements of the Engineering Handbook, CRC Press LLC, copyright 2000. Claim 5 specifies the specific angles of the chamfers relative to the axis of flow. The Examiner asserted that the inlet Chamfer A falls within the range set forth in

Shallenberger in the rejection of Section 10 of the Office Action. Shallenberger discloses a single inlet chamfer forming an angle of about 12-15°. Chamfer A, which is located directly at the inlet and corresponds most closely to Shallenberger's chamfer, is specified in Claim 5 to be approximately 35°. As previously stated, Shallenberger does not describe, teach or show a double chamfered inlet. The only chamfered inlet shown in the Johansson et al. patents is provided with regard to Figure 5E in the '621 patent which also shows a single chamfered inlet; however, no angle of the chamfer is described, taught or shown. The Mechanical Engineers' Handbook, copyright 1958, does not discuss any chamfer angles. The only reference to double chamfer angles is not found in the references cited in Section 10 of the Office Action but may be found in Tucker et al. with regard to the description of Figure 15 in Column 17 starting at Line 66 where the reference states:

Such double chamfering of the inlet portion would also improve the figure of merit relative to the entry portion in Figure 11 provided that the angle of the second chamfer is not steeper than the angle of the single chamfer of Figure 11.

The angle of the single chamfer of Figure 11 is not disclosed. However, the single chamfer of Shallenberger is about 12-15° while the second chamfer of Claim 5 may be between 12 and 18°. Accordingly, the second chamfer of Claim 5 may well be steeper than the single chamfer of Shallenberger, contrary to the teachings of Tucker et al. Furthermore, the teachings of the angle of the diffuser between 5 and 15° in the Engineering Handbook, CRC Press LLC, 2000, is not at the outlet as called for in Claim 5. Accordingly, Claim 5 should not rightfully be considered obvious over Shallenberger, and further in view of the teachings of Chapter 42, Fluid Measurements, of The Engineering Handbook, CRC Press LLC, copyright 2000.

III. Criteria for Rejections Under 35 U.S.C. §103(a)

A. Authority

The three-pronged test required for finding a *prima facie* case of obviousness under 35 U.S.C. §103(a) is:

1. First, there must be some suggestion or motivation, either in the references themselves, or the knowledge of one skilled in the art, to modify the references or to combine reference teaching;
2. Second, there must be a reasonable expectation of success; and finally,
3. The prior art references must teach or suggest all the claimed limitations.

Each of these three prongs must be found in the prior art and not based on Applicant's disclosure. *In Re: Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); M.P.E.P.2142.

The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex Parte Clapp*, 227 USPQ 972, 973 (Board of Appeals and Interferences 1985); M.P.E.P.2142. In the foregoing arguments, Applicants have shown where the Examiner has not carried that burden.

The Court of Appeals for the Federal Circuit in *In Re Bell*, 991 F.2d 781, 26 USPQ2d 1529 (C.A.F.C. 4/20/93) stated:

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination.

The Court of Appeals for the Federal Circuit further stated in *In Re Fritch*, 972

F.2d 1260, 23 USPQ2d 1780 (C.A.F.C. 8/11/92) that:

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification . . . here, the Examiner relied upon hindsight to arrive at the determination of obvious. It is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This Court has stated that “[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

It is respectfully asserted that the Examiner is using hindsight reconstruction to pick and choose among isolated disclosures in the many pieces of prior art the Examiner has cited to deprecate the claimed invention, which should be, and is, impermissible.

In further support of Applicants’ position with regard to the objections raised by the Examiner under 35 U.S.C. §112, the district court stated in *Advanced Cardiovascular Systems v. Scimed Life Systems*, 96 F.Supp.2d 1006, N.D.Calif. (decided 4/25/00) that:

A patent claim is sufficiently definite if those skilled in the art would understand what is claimed when the claim is read in light of the specification . . . mathematical precision should not be imposed for its own sake; a patentee has the right to claim the invention in terms that would be understood by persons of skill in the field of the invention.

Additionally, the Court of Appeals for the Federal Circuit in *Dental Prodx LLC v. Advantage Dental Products, Inc.*, 309 F.3d 774, 64 USPQ2d 1945 (10/25/02) held that:

Failure of a specification to specifically mention a limitation that later appears in the claims is not fatal if a person skilled in the art would recognize, upon reading the specification, that the new language reflects what the specification shows has been invented.

Furthermore, with regard to the limitation of a pressurized water reactor within the preamble of the claim, the Federal Circuit has held that a patent claim preamble limits claim scope if it recites essential structure that is important to the invention or necessary to give meaning to the claim. *Bicon, Inc. v. Straumann*, 441 F.3d 945, 78 USPQ 1267 (C.A.F.C. 3/20/06).

B. Declaration.

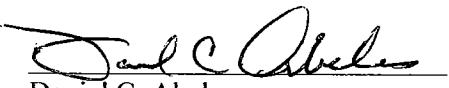
In paragraph 1 of the Office Action, the Examiner reaffirms his position of not giving any patentable weight to the original and supplemental 132 declarations of Michael Y. Young as being opinionated declarations. In the original declaration, Mr. Young set forth his credentials as an expert in fuel assembly manufacture. In a supplemental declaration dated April 6, 2006, Mr. Young specifically stated in paragraph 7 that Westinghouse's test results have shown that the double chamfered inlet of the instant invention has been found not to adversely impact the benefit of the venturi profile in the bottom nozzle coolant flow holes, but provides a significant manufacturing savings over the normal venturi gradient profile between the inlet and outlet of the venturi flow holes. In refusing to give patentable weight to Mr. Young's statements, the Examiner is substituting his opinion for the opinion of an expert.

In the Board of Appeals and Interferences decision in *Ex Parte Bruce A. Green and Gary W. Zlotnick* (Appeal No. 94-161A), the Board stated, "The Examiner's opinion to the contrary is just that, opinion, which the Examiner erroneously substitutes for that of an expert in the art" citing *In Re Zeidler*, 682 F.2d 961, 967, 215 USPQ 490, 494 (C.C.P.A. 1982). Furthermore, Section 7 of Mr. Young's supplemental declaration, as well as many of the other sections of the declaration, are not merely statements of opinion, but are sworn statements of fact.

Conclusion

Accordingly, in view of the foregoing, Appellants respectfully request that the Board reverse the Examiner's rejections under 35 U.S.C. §§112 and 103(a). It is submitted that Claims 1-2 and 4-17 are patentable over the prior art and satisfy the formal requirements of the patent laws. Therefore, it is requested that the Board reverse the Examiner's rejections of Claims 1-2 and 4-17 and remand the application to the Examiner for the issuance of a Notice of Allowance.

Respectfully submitted,



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CLAIMS APPENDIX

Listing of Claims:

1. A fuel assembly for a pressurized water nuclear reactor including a plurality of elongated nuclear fuel rods having an extended axial length, at least a lowermost grid supporting said fuel rods in an organized array and having unoccupied spaces defined therein adapted to allow flow of fluid coolant therethrough and past said fuel rods when said fuel assembly is installed in the nuclear reactor and a plurality of guide thimbles extending along said fuel rods through and supporting said grid, a debris filter bottom nozzle disposed below said grid, below lower ends of said fuel rods, supporting said guide thimbles and adapted to allow flow of fluid coolant into said fuel assembly, said debris filter bottom nozzle comprising a substantially horizontal plate extending substantially transverse to the axis of the fuel rods and having an upper face directed toward said lowermost grid, said upper face of said plate having defined therethrough at least two different hole designs, the first hole design being a plurality of holes receiving lower ends of said guide thimbles where they are supported by said plate and the second hole design being a plurality of flow through holes extending completely through said plate for the passage of coolant fluid from a lower face of said plate to the upper face of said plate, each of said coolant flow through holes extending substantially in the axial direction of said fuel rods, in fluid communication with said unoccupied spaces, and in the extended direction at least some of said coolant flow through holes having a profile substantially of a venturi with flaring at both ends, wherein the flaring at the lower face of said plate comprises a series of a plurality of concentric countersinks of different included angles and depths into the coolant flow through hole.
2. The nuclear fuel assembly of Claim 1 wherein said coolant flow through holes having a profile substantially of a venturi have an inlet end in the lower face of said plate and an outlet end in the upper face of said plate wherein the venturi is substantially formed by the concentric countersinks of different included angles and depths into the coolant flow through hole in said inlet and a chamfer in said outlet end.
3. (canceled)

4. The nuclear fuel assembly of Claim 1 wherein the inlet chamfers approximates a curved surface.

5. The nuclear fuel assembly of Claim 4 wherein the chamfers have the following dimensions and angles relative to a flow axis of the flow through hole where Chamfer A is the chamfer closest to the inlet, Chamfer B is the chamfer adjacent Chamfer A and Chamfer C is at the outlet of the flow through holes.

| | Angle | Nominal Length (in.) | Maximum Length (in.) | Minimum Length (in.) |
|-----------|------------------------|----------------------|----------------------|----------------------|
| Chamfer A | $35^\circ \pm 3^\circ$ | 0.017 (0.043 cm) | 0.039 (0.099 cm) | 0.012 (0.030 cm) |
| Chamfer B | $15^\circ \pm 3^\circ$ | 0.039 (0.099 cm) | 0.057 (0.145 cm) | 0.010 (0.025 cm) |
| Chamfer C | $10^\circ \pm 3^\circ$ | 0.085 (0.361 cm) | 0.142 (0.361 cm) | 0.059 (1.397 cm) |

6. The nuclear fuel assembly of Claim 4 wherein the chamfers have the following relative dimensions and angles with regard to a flow axis of the flow through hole where Chamfer A is the chamfer closest to the inlet, Chamfer B is the chamfer adjacent Chamfer A and Chamfer C is at the outlet of the flow through holes and L/T is the length of the chamfer divided by the thickness of the plate.

| | Angle | Chamfer L/T | |
|-----------|------------------------|-------------|---------|
| | | Maximum | Minimum |
| Chamfer A | $2.33 \times B$ | 0.071 | 0.020 |
| Chamfer B | $15^\circ \pm 3^\circ$ | 0.104 | 0.017 |
| Chamfer C | $0.67 \times B$ | 0.258 | 0.101 |

7. The nuclear fuel assembly of Claim 1 wherein substantially every coolant flow through hole not associated with a guide thimble has the venturi profile in the extended direction.

8. The nuclear fuel assembly of Claim 1 including support means adapted to support said fuel assembly when installed in the nuclear reactor with said plate fixed at its periphery on said support means.
9. The nuclear fuel assembly of Claim 1 wherein the coolant flow through holes have a substantially circular cross-section.
10. The nuclear fuel assembly of Claim 9 wherein the coolant flow through holes have a $0.190 +/- 0.008$ inch ($0.48 +/- 0.02$ cm) or less diameter at their narrowest cross-section.
11. The nuclear fuel assembly of Claim 9 wherein the through coolant flow through holes are packed in a density of about 16 per square inch.
12. A debris filter bottom nozzle for a pressurized water nuclear reactor fuel assembly having a plurality of elongated nuclear fuel rods having an extended axial length, at least a lowermost grid supporting said fuel rods in an organized array and having unoccupied spaces defined therein adapted to allow flow of fluid coolant therethrough and past said fuel rods when said fuel assembly is installed in the nuclear reactor, a plurality of guide thimbles extending along said fuel rods through and supporting said grid, said debris filter bottom nozzle designed to be disposed below said grid, below lower ends of said fuel rods, to support said guide thimbles and adapted to allow flow of fluid coolant into said fuel assembly, said debris filter bottom nozzle comprising a substantially horizontal plate extending substantially transverse to the axis of the fuel rods and having an upper face to be directed toward said lowermost grid, said upper face of said plate having defined therethrough at least two different hole designs, the first hole design being a plurality of holes for receiving lower ends of said guide thimbles where they are to be supported by said plate and the second hole design being a plurality of flow through holes extending completely through said plate for the passage of coolant fluid from a lower face of said plate to the upper face of said plate, each of said coolant flow through holes when incorporated in said fuel assembly, extending substantially in the axial direction of said fuel rods, in fluid communication with said unoccupied spaces, and in the

extended direction at least some of said coolant flow through holes having a profile substantially of a venturi with flaring at both ends, wherein the flaring at the lower face of said plate comprises a series of a plurality of straight, discrete, adjacent chamfers with each adjacent chamfer at a different angle than another adjacent chamfer relative to the axial direction of said fuel rods.

13. A fuel assembly for a pressurized water nuclear reactor including a plurality of elongated nuclear fuel rods having an extended axial length, at least a lowermost grid supporting said fuel rods in an organized array and having unoccupied spaces defined therein adapted to allow flow of fluid coolant therethrough and past said fuel rods when said fuel assembly is installed in the nuclear reactor, a plurality of guide thimbles extending along said fuel rods through and supporting said grid, a debris filter bottom nozzle disposed below said grid, below lower ends of said fuel rods, supporting said guide thimbles and adapted to allow flow of fluid coolant into said fuel assembly, said debris filter bottom nozzle comprising a substantially horizontal plate extending substantially transverse to the axis of the fuel rods and having an upper face directed toward said lowermost grid, said upper face of said plate having defined therethrough at least two different hole designs, the first hole design being a plurality of holes receiving lower ends of said guide thimbles where they are supported by said plate, the second hole design being a plurality of flow through holes extending completely through said plate for the passage of coolant fluid from a lower face of said plate to the upper face of said plate, each of said coolant flow through holes extending substantially in the axial direction of said fuel rods, in fluid communication with said unoccupied spaces, and at least some of said coolant flow through holes having a discrete, double chamfered inlet with each adjacent chamfer of the double chamfered inlet at a different angle than the other adjacent chamfer relative to the axial direction of said fuel rods.

14. The nuclear fuel assembly of Claim 13 wherein the double chamfered inlet approximates a curved surface.

15. The nuclear fuel assembly of Claim 13 wherein all of the coolant flow through holes not associated with a guide thimble include the double chamfered inlet.

16. The nuclear fuel assembly of Claim 13 wherein the chamfers have the following dimensions and angles relative to a flow axis of the flow through hole where Chamfer A is the chamfer closest to an inlet of the flow through hole and Chamfer B is the chamfer adjacent Chamfer A, spaced from the inlet.

| | Angle | Nominal Length (in.) | Maximum Length (in.) | Minimum Length (in.) |
|-----------|------------------------|----------------------|----------------------|----------------------|
| Chamfer A | $35^\circ \pm 3^\circ$ | 0.017 (0.043 cm) | 0.039 (0.099 cm) | 0.012 (0.030 cm) |
| Chamfer B | $15^\circ \pm 3^\circ$ | 0.039 (0.099 cm) | 0.057 (0.145 cm) | 0.010 (0.025 cm) |

17. The nuclear fuel assembly of Claim 13 wherein the chamfers have the following relative dimensions and angles with regard to a flow axis of the flow through hole where Chamfer A is the chamfer closest to the inlet, Chamfer B is the chamfer adjacent Chamfer A and L/T is the length of the chamfer divided by the thickness of the plate.

| | Angle | Chamfer L/T | |
|-----------|------------------------|-------------|---------|
| | | Maximum | Minimum |
| Chamfer A | $2.33 \times B$ | 0.071 | 0.020 |
| Chamfer B | $15^\circ \pm 3^\circ$ | 0.104 | 0.017 |

EVIDENCE APPENDIX

WEBSTER'S

New Collegiate Dictionary



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challis • chancery

hal-lis \shal-ē\ n, pl. hal-lis-es \-ēz\ [prob. fr. the name *Challis*] a lightweight soft clothing fabric made of cotton, wool, or synthetic yarns

ha-lone \kā-lōn, käl-ōn\ n [Gk *chalón*, prp. of *chalan* to slacken] an internal secretion that depresses activity — compare HORMONE

chal-y-be-ate \kā'-lib-ē-ät, -lē-ät\ adj [prob. fr. NL *chalybeatus*, irreg. fr. L *chalybe* steel, fr. Gr. *chalyb-*, *chalybs*, fr. *Chalybes*, ancient people in Asia Minor] : impregnated with salts of iron; also

: having a taste due to iron (as springs)

chal-ybe-ate n : a chalybeate liquid or medicine

cham \kām\ var of KHAN

cham-ae-phite \kam-i-fit\ n [Gk *chamai* on the ground, + *phite* — more at HUMBLE] a perennial plant that bears its overwintering buds just above the surface of the soil

cham-ber \chām-bar\ n [ME *chambre*, fr. OF, fr. LL *camera*, fr. L, arched roof, fr. Gk *καμάρα* vault; akin to L *camur* curved] 1 : ROOM: esp. BEDROOM 2 : a natural or artificial enclosed space or cavity 3 a : a hall for the meetings of a deliberative, legislative, or judicial body (the senate ~) b : a room where a judge transacts business — usu. used in pl. c : the reception room of a person of rank or authority 4 a : a legislative or judicial body; esp. either of the houses of a bicameral legislature b : a voluntary board or council 5 a : the part of the bore of a gun that holds the charge b : a compartment in the cartridge cylinder of a revolver

chamber vt cham-bered; cham-ber-ing \-bər-ing\ 1 : to place in or as in a chamber : HOUSE 2 : to serve as a chamber for; esp. to accommodate in the chamber of a fireman

chamber adj : being, relating to, or performing chamber music

cham-bered \chām-bərd\ adj : having a chamber (as ~ nautilus)

chamberer n, obs. : CHAMBERMAID

cham-ber-er \chām-bər-ər\ n [ME, chamberlain, fr. MF *chamberier*, fr. LL *camerarius*, fr. *camera*] archaic: GALLANT, LOVER

cham-ber-lain \chām-bər-lən\ n [ME, fr. OF *chamberlain*, of Gmc origin; akin to OHG *chamalring* chamberlain, fr. *chamara* chamber, fr. LL *camera*] 1 : an attendant on a sovereign or lord in his bedchamber 2 a : a chief officer in the household of a king or nobleman b : TREASURER 3 : an often honorary papal attendant; specif. a priest having a rank of honor below domestic prelate

cham-ber-maid \chām-bərd\ adj : a maid who makes beds and does general cleaning of bedrooms (as in a hotel)

chamber music n : music and esp. instrumental ensemble music intended for performance in a private room or small auditorium and usu. having one performer for each part

chamber of commerce : an association of businessmen to promote commercial and industrial interests in the community

chamber of horrors : a hall in which objects of macabre interest (as instruments of torture) are exhibited; also : a collection of such exhibits

chamber orchestra n : a small orchestra usu. with one player for each instrumental part

chamber pot n : a bedroom vessel for urine and feces

cham-bray \sham-brā, -brē, -brē\, n [surreg. fr. *Cambray*, France] : a lightweight clothing fabric with colored warp and white filling yarns

cha-me-le-on \kā-mē-lē-ōn\ [ME *camelion*, fr. MF, fr. L *chamaeleon*, fr. Gk *χαμαιλέων*, fr. *chamai* on the ground + *λέων* lion — more at HUMBLE] 1 : any of a group (Rhiptoglossa) of Old World lizards with granular skin, prehensile tail, independently movable eyeballs, and unusual ability to change the color of the skin 2 : a fickle or changeable person or thing 3 : any of various American lizards (as of the genus *Anolis*) capable of changing their color; esp. AMERICAN CHAMELEON — cham-me-le-on-ic \-mē-lē-ān-ik\ adj

cham-fer \chām-fər, 'chām-pər\, n [MF *chafreint*, fr. pp. of *chanfreindre* to bevel, fr. L *canthus* iron tire] + *frandre* to break, fr. L *frangere* — more at CANT, BREAK] : a bevelled edge

chamfer vt cham-fered; cham-fer-ing \-fər-ing, -fər-ing\ 1 : to cut a furrow in (as a column) : GROOVE 2 : to make a chamfer on : BEVEL

cham-fron \sham-fron, 'cham-\ n [ME *shamfron*, fr. MF *chanfrain*] the headpiece of a horse's bard

cham-ois \sham-ēz\, n, pl. cham-ois also

cham-ois \in sense 1 sham-ē(z) or sham-wā(z), in sense 2 sham-ēz\ n [ME, fr. LL *camox*] 1 : a small antelope (Rupicapra rupicapra) of Europe and the Caucasus 2 : *cham-my* or *sham-my* \sham-\, n : soft pliant leather prepared from the skin of the chamois or sheepskin

chamomile \kam-ə-mil, -mēl\ n [ME *camomille*, fr. ML *carnomilla*] 1 : L *chamaemelon*, fr. Gk *χαμαιμέλων*, fr. *chamai* + *μέλων* honey; or genus (*Anthemis*) of the common European *A. nobilis* 2 : composite herbs with strong foliage and flower heads that contain a bitter medicinal oil; a similar plant of a related genus (*Matricaria*)

champ, 'champ, 'chōmp vb [perh. imit.] vt 1 : CHOMP

2 : CRAMPTREME \-vē\ 1 : to make biting or gnashing movement 2 : to show impatience of delay or restraint — usu. used in champing at the bit (the children were ~ing at the bit to

champ n : CHAMPION

champ-pak \chām-pak, 'chām-(ə)pak\ n [Hindi & Bengali, fr. Skt *campaka*] : an East Indian tree (*Mitchella*) of the magnolia family with yellow flowers

champ-pan \sham-pan\ n [F, fr. *Champagne*, France] 1 : a wine made in the old province of Champagne,

France; also : a similar wine made elsewhere 2 : a pale orange yellow to light grayish yellowish brown

cham-paign \sham-pān\ n [ME *champaine*, fr. MF *champagne*, fr. LL *campania* — more at CAMPAIGN] 1 : an expanse of level open country : PLAIN 2 archaic: BATTLEFIELD — *champaign* adj

cham-per-ty \chām-pər-tē\ n [ME *champartie*, fr. MF *champart* field rent, fr. *champ* field (fr. L *campus*) + *part* portion — more at CAMP, PART] : a proceeding by which a person not a party in a suit bargains to aid in or carry on its prosecution or defense in consideration of a share of the matter in suit — *cham-per-tous* \-tōs\ adj

cham-pignon \sham-pē-yōn, chām-\ n [MF, fr. *champagne*] : an edible fungus; esp. : the common meadow mushroom (*Agaricus campestris*)

cham-pion \chām-pē-ən\ n [ME, fr. OF, fr. ML *campion*, *campio*, of WGmc origin] 1 : WARRIOR, FIGHTER 2 : a militant advocate or defender (as outspoken ~ of civil rights) 3 : one that does battle for another's rights or honor (God will raise me up a ~ — Sir Walter Scott) 4 : a winner of first prize or first place in competition; also : one who shows marked superiority (a ~ at telling stories)

champion vt 1 archaic: CHALLENGE, DEFY 2 : to protect or fight for as a champion 3 : to act as militant supporter of : UP-HOLD (always ~s the cause of the underdog) syn see SUPPORT

cham-pi-on-ship \chām-pē-əshēp\ n 1 : designation as champion 2 : the act of championing : DEFENSE (his ~ of freedom of speech) 3 : a contest held to determine a champion

champ-le-vé \shām-lē-vā\ adj [Fr.] : of, relating to, or being a style of enamel decoration in which the enamel is applied and fired in cells depressed (as by incising) into a metal background — compare CLOISONNÉ — *champlevé* n

chan abbr CHANNEL

chance \chānt(ē)\ n [ME, fr. OF, fr. (assumed) VL *cadentia* fall, fr. L *cadent*, *cadens*, pp. of *cadere* to fall; akin to Skt *sad* to fall]

1 a : something that happens unpredictably without discernible human intention or observable cause b : the assumed impersonal purposeless determiner of unaccountable happenings : LUCK c : the fortuitous or incalculable element in existence : CONTINGENCY

2 : a situation favoring some purpose : OPPORTUNITY (the weekend gives him a ~ to relax) 3 : a fielding opportunity in baseball

4 a : the possibility of an indicated or a favorable outcome in an uncertain situation; also : the degree of likelihood of such an outcome (we have almost no ~ of winning) b pl : the more likely indications (~s are he's already heard the news) 5 a : RISK (took a ~ and guessed at the answer) b : a ticket in a raffle — chance adj — by chance : in the haphazard course of events (they met by chance but parted by design)

2 chance vb chanced; chancing vi 1 a : to take place or come about by chance : HAPPEN b : to be found by chance c : to have the good or bad luck 2 : to come or light by chance ~ vi 1 : to leave the outcome of to chance 2 : to accept the hazard of : RISK

syn see HAPPEN

chance-ful \chān(t)s-fəl\ adj 1 archaic: CASUAL 2 : EVENTFUL

chan-cel \chān(t)s-sal\ n [ME, fr. MF, fr. LL *cancellus* lattice, fr. L *cancelli*; fr. the latticework enclosing it] : the part of a church containing the altar and seats for the clergy and choir

chan-cell-er-ly or chan-cell-ory \chān(t)s-sə-lə-rē, -sal-rē\ n, pl. -ries or -or-ies 1 a : the position, court, or department of a chancellor b : the building or room where a chancellor has his office 2 : the office of secretary of the court of a person high in authority 3 : the office or staff of an embassy or consulate

chan-cell-or \chān(t)s-sə-lər\ n [ME *chanceler*, fr. OF *chancelier*, fr. LL *cancellarius* doorman, secretary, fr. *cancellus*] 1 a : the secretary of a nobleman, prince, or king b : the lord chancellor of Great Britain c Brit : the chief secretary of an embassy d : a Roman Catholic priest heading the office in which diocesan business is transacted and recorded 2 a : the titular head of a British university b (1) : a university president (2) : the chief executive officer in some state systems of higher education 3 a : a lay legal officer or adviser of an Anglican diocese b : a judge in a court of chancery or equity in various states of the U.S. 4 : the chief minister of state in some European countries — chan-cell-or-ship \-ship\ n

chancellor of the exchequer often cap C&E : a member of the British cabinet in charge of the public income and expenditure

chance-medley \chān(t)s-'med-lē\ n [AF *chance medley* mingled chance] 1 : accidental homicide not entirely without fault of the killer but without evil intent 2 : haphazard action : CONFUSION

chance music n : music in which the elements of chance are introduced by the composer (as by selecting tempo, pitch, or dynamics by the throw of dice) or by the performer (as by choosing what parts to perform and the manner and order in which they are performed)

chancery \chān(t)s-(ə)rē\ n, pl. -ries [ME *chancerie*, alter. of *chancellerie* chancery, fr. OF, fr. *chancier*] 1 : cap : a high court of equity in England and Wales with common-law functions and jurisdiction over causes in equity b : a court of equity in the American judicial system c : the principles and practice of judicial equity 2 : a record office for public archives or those of ecclesiastical, legal, or diplomatic proceedings 3 a : a chancellor's court or office or the building in which he has his office b : the office in which the business of a Roman Catholic diocese is transacted and recorded c : the office of an embassy : CHANCERY 3 — in chancery 1 : in litigation in a court of chancery; also : under the superintendence of the lord chancellor (a ward in chancery) 2 : in a hopeless predicament



chamois 1

a abut * kitten ar further a back a cot, cart
au out ch chin e less e easy g gift i trip i life
é joke ñ sing ô flow ô flaw ôi coin ò thin ò this
ü loot ú foot y yet yü few yü furious zh vision

plunging fire ● pneumothorax

reciprocating piece driven by or against fluid pressure; esp : PISTON **d** (2) : a piece with a motion more or less like that of a ram or piston **e** : a rubber suction cup on a handle used to free plumbing traps and waste outlets of obstructions

plunging fire *n* : direct fire from a superior elevation resulting in the projectiles striking the target at a high angle

plunk \plunk\ *vb* [imit.] *vt* **1** : to pluck or hit so as to produce a quick, hollow, metallic, or harsh sound **2** : to set down suddenly : PLUMP ~ *vi* **1** : to make a plunking sound **2** : to drop abruptly : DIVE **3** : to come out in favor of someone or something — used with *for* — **plunk** *n* — **plunker** *n*

plunk down *vt* : to drop abruptly : settle into position ~ *vi* **1** *a* : to put down usu. firmly or abruptly (*plunked* his money *down* on the counter) **b** : to settle (oneself) into position (*plunked himself down* on the bench) **2** : to pay out

plus-per-fect \(\oplus\)-per-fekt\ *adj* [modif. of LL *plusquamperfectus*, lit. more than perfect] : past perfect — **plusperfect** *n*

plus-ral \plur-äl\ *adj* [ME, fr. MF & L; MF *plusrel*, fr. L *pluralis*, fr. *plus*, plus more — more at *plus*] **1** : of, relating to, or constituting a class of grammatical forms usu. used to denote more than one or in some languages more than two (*genetics* is ~ in form but takes singular verb) **2** : relating to or consisting of or containing more than one or more than one kind or class (a ~ society) — **plural** *n* — **plus-ral-ly** \-äl-ē\ *adv*

plus-ral-ism \plur-äl-iz-əm\ *n* **1** : the quality or state of being plural **2** : the holding of two or more offices or positions (as *plus*) at the same time **3** *a* : a theory that there are more than one or more than two kinds of ultimate reality *b* : a theory that reality is composed of a plurality of entities **4** *a* : a state of society in which members of diverse ethnic, racial, religious, or social groups maintain an autonomous participation in and development of their traditional culture or special interest within the confines of a common civilization *b* : a concept, doctrine, or policy advocating this state — **plus-ral-ist** \-älist\ *adj* — **plus-ral-ist-ic** \-älist-ik\ *adj* — **plus-ral-ist-ic-ally** \-älist-ik-əlē\ *adv*

plus-ral-ity \plur-äl-ə-tät\ *n* **1** *a* : the state of being plural *b* : the state of being numerous *c* : a large number or quantity

plus-itude *n* **2** : PLURALISM; *2* : a benefit held by plurism **3** *a* : a number greater than another *b* : an excess of votes over those cast for an opposing candidate *c* : a number of votes cast for a candidate in a contest of more than two candidates that is greater than the number cast for any other candidate but not more than half the total votes cast

plus-ral-ize \plur-äl-iz\ *vt* ~*ized*; ~*izing* : to make plural or express in the plural form — **plus-ral-iza-tion** \plur-äl-iz-ə-za-shən\ *n*

plus-ral-comb *form* [L, fr. *plus*, plus] : having or being more than one

: MULTI- (*plus-axial*)

plus-ri-ax-i-al \plur-äk-sé-äl\ *adj* : having more than one axis; *specif.* : having flowers developed on secondary shoots

plus-ri-po-tent \plur-äp-ə-tənt\ *adj* : not fixed as to developmental potentialities : having developmental plasticity

plus \plas\ *prep* [L, adv., more, fr. neut. of *plus*, plus, adj., more; akin to Gk *plēion* more, L *plenus* full — more at FULL] : increased by : with the addition of (four ~ five) (the debt ~ interest)

plus n **pl** *pluses* \plas-əz\, **also plus-ses** **1** : PLUS SIGN **2** : an added quantity **3** : a positive factor or quality **4** : SURPLUS

plus-adj **1** : algebraically positive **2** : having, receiving, or being in addition to what is anticipated **3** *a* : falling high in a specified range (a grade of C ~) *b* : greater than that specified *c* : possessing a specified quality to a high degree **4** : electrically positive **5** : relating to or being a particular one of the two mating types that are required for successful fertilization in sexual reproduction in some lower plants (as a fungus)

plus four *n* **pl** : loose sports knickers made four inches longer than ordinary knickers

plus-hush \plash\ *n* [MF *peluche*] : a fabric with an even pile longer and less dense than velvet pile

plus-hush *adj* : relating to, resembling, or made of plush

plus-hush-ly \plash-ē\ *adv* — **plus-hush-ness** *n*

plus-hushy \plash-ē\ *adj* **plus-hush-er**, **est** *1* : having the texture of or covered with plush **2** : LUXURIOUS, SHOWY — **plus-hush-ness** *n*

plus-hage \plash-ē\ *n* : amount over and above another

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sequined or **se-quinned** \kweend\ *adj* : ornamented with or as if with sequins

se-qui-tur \sek-wat-ur, -wā-tūr\ *n* [L, it follows, 3d pers. sing. pres. indic. of *sequi* to follow — more at *SUE*] : the conclusion of an inference : CONSEQUENCE

se-quoya \sē-kwōyā\ *n* [NL, genus name, fr. *Sequoya* (George Guess) †1843 Am Indian scholar] : either of two huge coniferous California trees of the pine family that reach a height of over 300 feet: **a** : BIG TREE **b** : REDWOOD **3a** **ser abbr** 1 serial 2 series 3 service

sera *pl* of **SERUM**

se-rac \sā-rak, sā-\ *n* [F *sérac*, lit., a kind of white cheese, fr. ML *seracum* whey, fr. L *serum* whey — more at *SERUM*] : a pinnacle, sharp ridge, or block of ice among the crevasses of a glacier

se-ra-glio \sā-rāl-yō, -rāl-\ *n, pl* -glio^s [It *seraggio* enclosure, seraglio, partly fr. ML *serraculum* of a door, bolt, fr. LL *serare* to bolt; partly fr. Turk *saray* palace — more at *SEAR*] **1** : Harem **2** : a palace of a sultan

se-rai \sā-rāi, sā-\ *n* [Turk & Per; Turk *saray* mansion, palace, fr. Per *sarai* mansion, inn] **1** : CAVANSARY **2** : SERAGLIO

se-rai \sir-ol\ *adj* : of, relating to, or constituting an ecological **sera**

se-ra-pe \sā-rāp-ē, -rap-\ *n* [Mex Sp *sarape*] : a colorful woolen shawl worn over the shoulders esp. by Mexican men

se-raph \sē-rāf\, also **se-ra-phim** \sē-fim\ *n, pl* **seraphim** or **se-raphs** [LL *seraphim*, pl., seraphs, fr. Heb *seraphim*] **1** : one of the 6-winged angels standing in the presence of God **2** *pl* : an order of angels — see CELESTIAL HIERARCHY — **se-raph-ic** \sā-rāf-ik\ *adj* — **se-raph-i-cal** \sā-rāf-ik-səl\ *adv*

Se-ra-pis \sē-rā-pēs\ *n* [L, fr. Gk *Sarapis*] : an Egyptian god combining attributes of Osiris and Apis and having a widespread cult throughout Greece and Rome

1 **Serb** \sārb\ *n* [Serb Srb] **1** : a native or inhabitant of Serbia **2** : SERBIAN **2** — **Serb** *adj*

2 **Serb abbr** Serbian

Ser-bi-an \sār-bē-ān\ *n* **1** : SERB **2** **a** : the Serbo-Croatian language as spoken in Serbia **b** : a literary form of Serbo-Croatian using the Cyrillic alphabet — **Serbian** *adj*

Ser-bo-Cro-a-tian \sār-bō-kro-ā-shān\ *n* **1** : the Slavic language of the Serbs and Croats consisting of Serbian written in the Cyrillic alphabet and Croatian written in the Roman alphabet **2** : one whose native language is Serbo-Croatian — **Serbo-Croatian** *adj*

1 **sere** \sēr\ *adj* [ME, fr. OE *sēar* dry; akin to OHG *sōrēn* to wither; Gk *hauos* dry] **1** : WITHERED **2** *archaic* : THREADBARE

2 **sere** *n* [L *sere* series] : a series of ecological communities that succeed one another in the biotic development of an area or formation

1 **ser-e-na-de** \sēr-ē-nād\ *n* [F *sérénade*, fr. It *serenata*, fr. *sereno* clear, calm (of weather), fr. L *serenus*] **1** **a** : a complimentary vocal or instrumental performance; esp. : one given outdoors at night for a woman **b** : a work so performed **2** : an instrumental composition in several movements, written for a small ensemble, and midway between the suite and the symphony in style

2 **serenade** \bē-nād-ed, -nad-ing\ *vt* : to perform a serenade in honor of ~ vi : to play a serenade — **ser-e-na-de** *n*

ser-e-na-ta \sēr-ē-nātā\ *n* [It, *serenata*] : an 18th century secular cantata of a dramatic character usu. composed in honor of an individual or event

ser-en-dip-i-tous \sēr-ēn-dip-ēt-əs\ *adj* : obtained or characterized by serendipity (< discoveries>) — **ser-en-dip-i-tously** *adv*

ser-en-dip-i-ty \sēr-ēn-dip-ētē\ *n* [fr. its possession by the heroes of the Per fairy tale *The Three Princes of Serendip*] : the faculty of finding valuable or agreeable things not sought for

1 **ser-e-ne** \sēr-ē-nē\ *adj* [L *serenus*; akin to OHG *serewēn* to become dry, Gk *xēros* dry] **1** **a** : clear and free of storms or unpleasant change (< skies>) **b** : shining bright and steady (the moon, ~ in glory — Alexander Pope) **2** : marked by or suggestive of utter calm and unruffled repose or quietude (a ~ smile) **3** : AUGUST — used as part of a title (His Serene Highness) **syn** see CALM — **se-re-ne-ly** *adv* — **se-re-ne-ness** \sēr-ē-nēs\ *n*

2 **serene** *n* **1** : a serene condition or expanse (as of sky, sea, or light) **2** : SERENITY, TRANQUILLITY

ser-en-i-ty \sēr-ē-nē-tē\ *n* : the quality or state of being serene

serf \sārf\ *n* [F, L. *servus* slave, servant, serf — more at SERVE] : a member of a servile feudal class bound to the soil and subject to the will of his lord — **serf-age** \sārf-ij\ *n* — **serf-dom** \sārf-dəm, -dōm\ *n*

serg or sergt abbr sergeant

serge \sārj\ *n* [ME, servant, attendant, sergeant, fr. OF *sergent*, *serjant*, fr. L *servient*, *serviens*, pp. of *servire* to serve] **1** : SERGEANT AT ARMS **2** *obs* : an officer who enforces the judgments of a court or the commands of one in authority **3** : an officer in a police force ranking in the U.S. just below captain or sometimes lieutenant and in England just below inspector **4** : a noncommissioned officer ranking in the army and marine corps above a corporal and below a staff sergeant and in the air force above an airman first class and below a staff sergeant; **broadly** : NONCOMMISSIONED OFFICER

sergeant at arms : an officer of an organization (as a legislative body or court of law) who preserves order and executes commands

sergeant first class *n* : a noncommissioned officer in the army ranking above a staff sergeant and below a master sergeant

sergeant fish *n* **1** : COBIA **2** : SNOOK **1**

sergeant major, *n, pl* **sergeants major** or **sergeant majors** **1** : a noncommissioned officer in the army, air force, or marine corps serving as chief administrative assistant in a headquarters **2** : a noncommissioned officer in the marine corps ranking above a first sergeant **3** : a bluish green to yellow percoid fish (*Abudefduf*

saxatilis) with black vertical stripes on the sides that is widely distributed in the western tropical Atlantic ocean

sergeant major of the army : the ranking noncommissioned officer of the army serving as adviser to the chief of staff

sergeant major of the marine corps : the ranking noncommissioned officer of the marine corps serving as adviser to the commandant

ser-geanty \sār-jāntē\ *n, pl* -geanties [ME *sergeantie*, fr. MF *sergentie*, fr. *sergent* sergeant] : any of numerous feudal services of a personal nature by which an estate is held of the king or other lord distinct from military tenure and from socage tenure

ser-ing \sār-jēn\ *n* [serge] : the process of overcasting the raw edges of a fabric (as a carpet) to prevent raveling

ser-i-al \sir-ē-äl\ *adj* **1** : of, relating to, consisting of, or arranged in a series, rank, or row (< order>) **2** : appearing in successive parts or numbers (< ~ story>) **3** : belonging to a series maturing periodically rather than on a single date (< bonds>) **4** : of, relating to, or being music based on a series of tones in an arbitrary but fixed pattern without regard for traditional tonality (< ~ technique>) — **se-ri-al** \sār-ē-äl\ *adv*

2 **serial** *n* **1** **a** : a work appearing (as in a magazine or on television) in parts at intervals **b** : one part of a serial work : INSTALLMENT **2** : a publication (as a newspaper or journal) issued as one of a consecutively numbered and indefinitely continued series — **se-ri-al-ist** \sār-ē-älist\ *n*

se-ri-al-ism \sir-ē-ä-liz-əm\ *n* : serial music; also : the theory or practice of composing serial music

se-ri-al-iza-tion \sir-ē-ä-lä-zā-shən\ *n* : the act or process of serializing

se-ri-al-ize \sir-ē-ä-liz\ *vt* -ized, -izing : to arrange or publish in serial form

se-ri-al-number *n* : a number indicating place in a series and used as a means of identification

1 **se-ri-ate** \sir-ē-āt, -ē-ät\ *adj* [(assumed) NL *seriatus*, fr. L *series*] : arranged in a series or succession — **se-ri-ate-ly** *adv*

2 **se-ri-ate** \sir-ē-ät\ *vt* -ated, -at-ing : to arrange in a series

se-ri-a-tim \sir-ē-ät-əm, -āt-\ *adv* [ML, fr. L *series*] : in a series

2 **seriatim** *adj* : following seriatim

se-ri-ceous \sār-ē-shəs\ *adj* [LL *sericeus* silken, fr. L *sericum* silk garment, silk, fr. neut. of *sericus* silken, fr. Gk *serikos*, fr. Sères, an eastern Asiatic people producing silk in ancient times] : finely pubescent (< leaf>)

ser-i-cin \sār-ē-sən\ *n* [ISV, fr. L *sericum* silk] : a gelatinous protein that cements the two fibroin filaments in a silk fiber

ser-i-cul-tar-i-ty \sār-ē-kul-tur-ētē\ *n* [L *sericum* silk + E *culture*] : the production of raw silk by raising silkworms — **ser-i-cul-tur-al** \sār-ē-kul-tur-əl\ *adj* — **ser-i-cul-tur-ist** \sār-ē-kul-tur-ist\ *n*

se-ri-er \sār-ēr\ *n* [series] often attrib [L, fr. *serere* to join, link together; akin to Gk *eirein* to string together, *hormos* chain, necklace] **1** : a number of things or events of the same class coming one after another in spatial or temporal succession (< concert ~> the hall opened into a ~ of small rooms) **2** : the indicated sum of a usu. infinite sequence of numbers **3** **a** : the coins or currency of a particular country and period **b** : a group of postage stamps in different denominations **4** : a succession of volumes or issues published with related subjects or authors, similar format and price, or continuous numbering **5** : a division of rock formations that is smaller than a system and comprises rocks deposited during an epoch **6** : a group of chemical compounds related in composition and structure **7** : an arrangement of the parts of or elements in an electric circuit whereby the whole current passes through each part or element without branching **8** : a set of vowels connected by ablaut (as i, a, u in ring, rang, rung) **9** **a** : a number of games (as of baseball) played usu. on consecutive days between two teams (in town for a 3-game ~) **b** : WORLD SERIES **10** : a group of successive coordinate sentence elements joined together (as a, b, and c ~) **11** : SOIL SERIES **12** : three consecutive games in bowling — **in series** : in a serial arrangement

series winding *n* : a winding in which the armature coil and the field-magnet coil are in series with the external circuit — **se-ri-ese-wound** \sār-ē-ēs-wound\ *adj*

serif \sārif\ *n* [prob. fr. D *schreef* stroke, line, fr. MD, fr. *scriven* to write, fr. L *scribere* — more at SCRIBE] : any of the short lines stemming from and at an angle to the upper and lower ends of the strokes of a letter

seri-graph \sār-ē-grāf\ *n* [L *sericum* silk + Gk *graphein* to write, draw — more at CARVE] : an original color print made by pressing pigments through a silk screen with a stencil design — **se-ri-grapher** \sār-ē-grā-fər\ *n* — **se-ri-graphy** \sār-ē-grāfē\ *n*

ser-in \sār-ēn\ *n* [F] : a small European finch (*Serinus canarius*) related to the canary

ser-in \sār-ēn\ *n* [F] : a crystalline amino acid $C_6H_9NO_3$, that occurs as a structural part of many proteins or cephalins

serio-com-i-cic \sār-ē-ō-kām-ik\ *adj* [serious + -o + comic] : having a mixture of the serious and the comic (a ~ novel) — **se-ri-o-com-i-cal** \sār-ē-ō-kāl\ *adv*

se-ri-ous \sir-ē-ōs\ *adj* [ME *seriows*, fr. MF or LL; MF *serieux*, fr. LL *seriosus*, alter. of L *serius*] **1** : thoughtful or subdued in appearance or manner : SOBER **2** **a** : requiring much thought or work (< study>) **b** : of or relating to a matter of importance (a ~ play) **3** **a** : not joking or trifling : being in earnest **b** *archaic* **a** : PIOUS **c** : deeply interested : DEVOTED (< fishermen>) **4** **a** : not easily answered or solved (< objections>) **b** : having important or dangerous possible consequences (a ~ injury) **syn** SERIOUS, GRAVE, SOLEMN, SEDATE, STAIID, SOBER, EARNEST *shared meaning element* : not light or frivolous **ant** light, flippant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:) Group Art Unit 3641
KIRKLAND D. BROACH et al.)
Serial No. 10/751,349) Examiner: D.L. Greene Jr.
Filed: January 5, 2004) Entitled:
Attorney Docket No. ARF 2004-003) NUCLEAR FUEL ASSEMBLY
) DEBRIS FILTER BOTTOM
) NOZZLE

August 30, 2005

**Eckert Seamans Cherin & Mellott, LLC
600 Grant Street
Pittsburgh, PA 15219**

**MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313**

Declaration Under 37 CFR 1.132

Sir:

As a supplement to the Request for Continuing Examination and the Preliminary Amendment that are filed concurrently herewith, the following Declaration is offered:

I. Michael Y. Young declare and state:

1. That I received my Bachelor of Science degree in Mechanical Engineering from Rensselaer Polytechnic Institute at Troy, New York.
2. That I received my Master of Science degree in Mechanical Engineering from Rensselaer Polytechnic Institute .
3. That I worked for Westinghouse Electric Company LLC for 33 years.
4. That as an employee of Westinghouse Electric Company LLC, I currently hold the position of Chief Engineer.

5. That my curriculum vitae outlining the rest of my credentials is attached hereto.

6. That I have read the amended Claim 1 submitted with the amendment that is to accompany this Declaration, the Examiners rejection and the references the Examiner relied on.

7. That I am familiar with the Shallenberger design set forth in U.S. Patent No. 4,900,507, which is assigned to his employer, Westinghouse Electric Company LLC.

8. That the Shallenberger design and the teaching of the Shallenberger patent do not contemplate having a flared outlet at the fuel assembly bottom nozzle coolant flow holes nor does the Shallenberger patent describe or contemplate having a double chamfered inlet, both of which are specified in the amended Claim 1 to be filed concurrently herewith.

9. That the Shallenberger patent was published in 1990 and to the best of my knowledge, information and belief, except for the inventors of the subject application, no one has employed or suggested the use of a double chamfered inlet and flared outlet for the coolant holes in a fuel assembly bottom nozzle, since the publication of the Shallenberger patent.

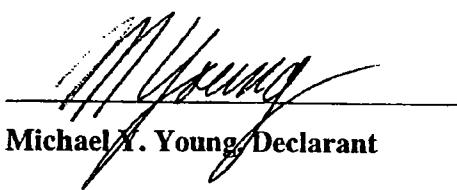
10. That the double chamfered inlet and flared outlet is a novel way to achieve pressure drop reduction near that of a rounded inlet and venturi outlet while meeting numerous constraints imposed by the performance requirements of the nuclear fuel assembly, such as maintenance of uniform flow, and by the manufacturing process, such as closely spaced flow holes and accommodation of tolerances.

11. That none of the references relied upon by the Examiner suggest that a venturi profile for the coolant holes in the bottom nozzle of a fuel assembly will not adversely impact the other coolant criteria that need to be fulfilled for satisfactory coolant transport through the nuclear core.

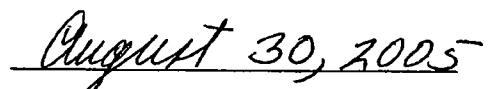
12. That the double chamfered inlet has been found not to adversely impact the benefit of the venturi profile in the bottom nozzle coolant flow holes, but provides a significant manufacturing savings over the normal venturi gradient profile between the inlet and outlet of the venturi flow holes.

I further declare and state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Michael A. Young, Declarant



Date

RESUME

Michael Y. Young
January 1, 2002

ADDRESS:

1901 Devonshire Drive Apt. 7
Columbia, SC 29204
Office: (803) 647-3673
Email: youngmy@westinghouse.com

EDUCATION:

BS - Aeronautical Engineering, Rensselaer Polytechnic Institute, Troy, New York. 1966 - 1970

MS - Mechanical Engineering, Rensselaer Polytechnic Institute, Troy, New York. 1970 - 1972

EXPERIENCE:

2001- 2005: Chief Engineer, Nuclear Fuels

Currently responsible for:

1. Identification of Technological Opportunities for Nuclear Fuels: Lead the process to identify areas where technological opportunities exist, which could produce significant breakthroughs. Utilize this knowledge to focus the organization's technology, research, and development activities.
2. Technical Knowledge Management: As appropriate, ensure that there is continuous organizational leveraging and integration of historical technological solutions and new research & development activities, including:
 - a. Coordination of Development Programs
 - b. Industry interactions to assure consistent positions and approach
 - c. Foster key University relationships
 - d. Review and solicit key technical papers and establish strategy for attending conferences
3. Ensure an organizational understanding of the unmet needs of the nuclear fuel customer (operational, licensing, margins, etc.. Develop actions/plans to address these needs.
4. Facilitate the allocation of funding for development projects, oversee completion of those activities, and monitor progress.
5. Technological Problem Resolution – Where appropriate, lead and/or facilitate technological review teams to review critical technical issues, new designs and services, etc. Serve as the technical final solution in areas of technical disputes and coordinate resolution of these issues. Lead department task teams addressing critical high impact

issues involving multi-discipline functions.

6. Key Strategic Initiatives – Where appropriate & assigned, lead the implementation of key strategic initiatives which develop high value for customers and NFBU. Interface with the Strategy Department to provide key technical strategy input.

1993-2001: Consulting Engineer, Nuclear Services and Nuclear Fuels.

Led team developing Next Generation Fuel grid.

Led team to resolve the V5H grid to rod fretting issue. Outcome was development of the RFA-2 grid design and a more complete understanding of fretting phenomena that should prevent problems in future.

Led multi-division team to resolve the Axial Offset Anomaly issue. Role included defining test and development programs, interactions with customers and EPRI, and development of predictive tool to determine AOA risk of core designs. Outcome was the BOB code, increased understanding of crud deposition and AOA process, and an influential position in the EPRI/Utility AOA working group.

Led team developing the safety case for the AP600 advanced reactor design. Prepared strategy for making presentations to the Advisory Committee on Reactor Safeguards, a key obstacle to approval of the AP600 design.

Led team of experts in 4 year project to develop new computer technology for nuclear safety analysis ("Best Estimate" Loss of Coolant Accident Evaluation Model). Project involved solution of numerous problems in thermal-hydraulics, numerical methods, and probability, and continual interaction and negotiation with Nuclear Regulatory Commission (NRC) and Advisory Committee on Reactor Safeguards (ACRS). Successful licensing of methodology (the first of its kind in the industry) required high degree of credibility in discussions with NRC and ACRS.

1991-1993: Manager, Nuclear Safety Analysis, Westinghouse Energy Systems Business Unit.

Managed technical staff of 6 managers and approximately 100 engineers engaged in safety and engineering analysis. Group was responsible for sales of approximately ten to fifteen million dollars per year. Responsibilities included interactions with customers and NRC to resolve licensing and technical issues, including application of new reporting regulations for computer code changes, and application of 10CFR50.59 safety evaluation process.

1981-1991: Manager, Thermal Hydraulic Testing and Analysis, Westinghouse Energy Systems Business Unit.

Initiated program to develop an advanced Loss of Coolant Accident (LOCA) analysis technology, using statistical methodology.

Managed group of 15 engineers responsible for designing and overseeing the performance of several test and analysis programs, including the FLECHT reflood heat transfer and MB-2 steam generator programs.

Worked with Westinghouse Owner's Group (WOG) to resolve several key issues such as quantifying the extent of radiation release in steam generator tube rupture.

Helped resolve the clad ballooning issue that was a key obstacle in licensing PWRs in the UK.

Successfully obtained approval by NRC for application of improved safety analysis methods (BASH code). These methods allowed Westinghouse to supply new nuclear fuel designs with higher peaking factors than the competition.

1972-1981: Engineer, Westinghouse Nuclear Energy Systems.

Began Westinghouse career as associate engineer in 1972. Helped develop Westinghouse Appendix K LOCA model. Was lead engineer in effort to license Upper Head Injection system for Sequoyah Nuclear Plant. Developed first significant improvement to the Appendix K model for increased LOCA margin (the BART code). Work required frequent presentations and negotiations with NRC staff and other oversight committees.

OUTSIDE ACTIVITIES:

1987, 1988 Commissioner, Little League Baseball

1986, 1987, 1988 Coach, Little League Baseball

1985-1989, Member and president of neighborhood pool committee

AWARDS:

Division Engineering awards in 1980, 1984, 1987, 1989, 1995, 2000

George Westinghouse company award, 2001.

PAPERS:

1. "A Mechanistic Model for the Best Estimate Analysis of Reflood Transients (The BART Code)", 19th National Heat transfer Conference, Orlando, Florida, 1980.
2. "Advances in PWR LOCA Analysis", Technical Workshop on Nuclear Reactor Safety and Thermo-hydraulics, Seoul, Korea, 1985.
3. "An Implicit Method to Speed up WCOBRA/TRAC", Nuclear Science and Engineering, 1988.
4. "Application of Realistic Thermal-Hydraulic Methods for Pressurized Water Reactors with Upper Plenum Injection", Nuclear Technology, 1989.
5. "Development of LOCA Margin for Two-Loop PWR", Nuclear Plant Journal, January, 1989.

6. "Downflow Two-Phase Pressure Drop in Irregular Channels with Plates", Int. Symposium on Gas-liquid Two Phase Flows, ASME Winter Annual Meeting, 1990.
7. "Application of PWR LOCA Margin with the Revised Appendix K Rule", Nuclear Engineering and Design, 1992.
8. "Application of code scaling and uncertainty methodology to the large break loss of coolant", Nuclear Engineering and Design, 1998
9. "Assessment of flooding in a best estimate thermal hydraulic code (WCOBRA/TRAC)", Nuclear Engineering and Design, 1998.
10. "Best Estimate Analysis of the large break loss of coolant accident", ICONE-6, 1998
11. "Flooding in the pressurizer surge line of AP600 plant and analyses of APEX data", Nuclear Engineering and Design, 1999.
12. "Direct contact heat transfer model for dispersed flow film boiling", Nuclear Technology, December 2000.
13. "The flow field in a reactor core and its effect on rod vibration and wear", ASME Pressure Vessels and Piping Conference, July 2001.
14. "Flow Induced Vibration and Fretting Wear in PWR Fuel", ICONE 10, April 2002.
15. "The Effect Of Corrosion Product Deposition On Fuel Management", Advances in Nuclear Fuel Management III (ANFM 2003), October 5-8, 2003.
16. "A Comprehensive Method for Assessing Fuel Performance Risks Due to Crud Deposition", Proceedings of the 2004 International Meeting on LWR Fuel Performance, Orlando, Florida, September 19-22, 2004.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------------------|---|---------------------------|
| In re: application of: |) | Group Art Unit 3641 |
| |) | |
| KIRKLAND D. BROACH et al. |) | Examiner: D.L. Greene Jr. |
| |) | |
| Serial No. 10/751,349 |) | Entitled: |
| |) | |
| Filed: January 5, 2004 |) | NUCLEAR FUEL ASSEMBLY |
| |) | DEBRIS FILTER BOTTOM |
| Attorney Docket No. ARF 2004-003 |) | NOZZLE |

April 6, 2006

Eckert Seamans Cherin & Mellott, LLC
600 Grant Street
Pittsburgh, PA 15219

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Supplemental Declaration Under 37 CFR 1.132

Sir:

As a supplement to the Declaration Under 37 CFR 1.132 of Michael Y. Young dated August 30, 2005, in furtherance of allowance of the above captioned matter, the following Declaration is offered:

I, Michael Y. Young, declare and state:

1. That I have reviewed and understand the contents of the specification of the above captioned application, including the claims as amended by the response to the Office action dated November 16, 2005, which accompanies and references this Supplemental Declaration Under 37 CFR 1.132.

2. That fluid dynamics within the core of a nuclear reactor are complicated by the large number of structures in the path of the coolant, the need to continually maintain contact of the coolant with the fuel cladding to avoid reduced heat transfer and the objective of maximizing heat transfer between the fuel elements and the coolant.

3. That Westinghouse has observed an appreciable difference (20%) in hydraulic pressure drop between nozzles fabricated by two different vendors to design specifications based on the Shallenberger patent. Furthermore, Westinghouse's investigation into the differences concluded that the main cause for these differences were minute geometry differences introduced by removing burrs caused by the chamfer machining operations. The inability to specify, measure, and control these minute geometries caused by burr removal, provided impetus to improve upon Shallenberger.

4. That neither Westinghouse, with approximately 30 years experience producing fuel assembly nozzles, nor its outside fabricators found it obvious that the small geometry changes caused by burr removal could result in 20% variation in hydraulic performance.

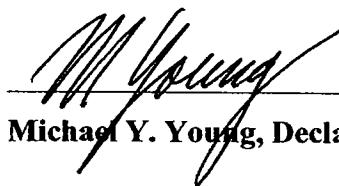
5. That through experimentation Westinghouse found that the double chamfered inlet and flared outlet is a way to achieve pressure drop reduction near that of a rounded inlet and venturi outlet while meeting numerous constraints imposed by the performance requirements of the nuclear fuel assembly, such as consistent and uniform flow between assemblies, reasonable manufacturing costs, closely spaced flow holes, and fabrication tolerances.

6. That none of the references relied upon by the Examiner suggest that a venturi profile for the coolant holes formed with a double chamfered inlet in the bottom nozzle of a fuel assembly will not adversely impact the other coolant criteria that need to be fulfilled for satisfactory coolant transport through the nuclear core and still provide the hydraulic margin necessary to accommodate surface anomalies that arise in the manufacturing process.

7. That Westinghouse test results have shown that the double chamfered inlet has been found not to adversely impact the benefit of the venturi profile in the bottom nozzle coolant flow holes, but provides a significant manufacturing savings over the normal venturi gradient profile between the inlet and outlet of the venturi flow holes.

I further declare and state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Michael Y. Young, Declarant



Date

RELATED PROCEEDINGS APPENDIX

None.